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25 KFx MEDICAL CORPORATION

16 UNITED STATES DISTRICT COURT  
17  
18 NORTHERN DISTRICT OF CALIFORNIA

19 TRAVELERS PROPERTY CASUALTY  
20 COMPANY OF AMERICA, a Connecticut  
21 corporation,

22 Plaintiff,

23 v.

24 KFx MEDICAL CORPORATION,  
25 a California corporation,

Defendant.

CASE NO. 3:13-cv-00710-JSW

SUPPLEMENTAL CASE MANAGEMENT  
STATEMENT AND ~~PROPOSED~~ ORDER

Date : August 16, 2013  
Time : 1:30 p.m.  
Place : Courtroom 11, 19th Floor  
Judge : Hon. Jeffrey S. White

26 Pursuant to Civil L.R. 16-10(d), the parties to the above-entitled action certify that they  
27 met and conferred at least 10 days prior to the continued case management conference scheduled  
28 in this case and jointly submit this Supplemental Case Management Statement and Proposed

1 Order and request the Court to adopt it as a Supplemental Case Management Order in this case.

2 **DESCRIPTION OF SUBSEQUENT CASE DEVELOPMENTS**

3 1. The following progress or changes have occurred since the last case management  
4 statement filed by the parties:

5 a. On July 12, 2013, the Court granted plaintiff Travelers' motion for partial  
6 summary judgment as to its first and second claims for relief. The only remaining issue in the  
7 case is Travelers' third claim for relief for reimbursement of defense costs.

8 b. Defendant KFx has notified Travelers that it intends to voluntarily repay  
9 Travelers the defense costs advanced. KFx anticipates that full payment will be made by  
10 October 15, 2013. Once that occurs, Travelers intends to dismiss its third claim for relief as  
11 moot and request entry of judgment.

12 c. Because it does not appear that further proceedings will be necessary in  
13 this case, the parties request that the Court continue the August 16, 2013 Scheduling Conference  
14 for 90 days, with the expectation that the case will be terminated before that date.

15 2. The parties jointly request the Court to make the following Supplemental Case  
16 Management Order:

17 That the case management conference scheduled for August 16, 2013 be  
18 CONTINUED to November 15, 2013. The parties shall submit a revised joint case management  
19 conference statement by no later than November 8, 2013, if judgment has not been entered by  
20 that date.

21 DATED: August 9, 2013

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1 DATED: August 9, 2013

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12 KFx MEDICAL CORPORATION

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## **SUPPLEMENTAL CASE MANAGEMENT ORDER**

The above SUPPLEMENTAL CASE MANAGEMENT STATEMENT AND PROPOSED ORDER is approved as the Case Management Order for this case and all parties shall comply with its provisions. In addition, the Court makes the further orders stated below:

The Court CONTINUES the case management conference to November 15, 2013, and a joint case management statement shall be due on November 8, 2013, unless judgment has been entered before that date.

IT IS SO ORDERED.

DATED: August 9, 2013

Jeffrey S. White  
**UNITED STATES DISTRICT JUDGE**